

**SUPPLEMENTARY INFORMATION:****Drafting Information**

The drafters of this regulation are Mr. John Wachter, project officer, and LT Elisa Holland, project attorney.

**Regulatory History**

On December 13, 1994, the Coast Guard published a notice of proposed rulemaking entitled Drawbridge Operation Regulation; Lafourche Bayou, LA, in the **Federal Register** (59 FR 64178). The Coast Guard received nine letters commenting on the proposal. No public hearing was requested, and none was held.

**Background and Purpose**

The Greater Lafourche Port Commission (GLPC), requested the 2 to 3 p.m. and the 4:30 to 5:30 p.m. closures, Monday through Friday, other than Federal holidays in order to provide relief to school bus traffic and other vehicular traffic that crosses the bridges during peak hours of land traffic congestion.

Data provided by GLPC, shows that from August 1993 through August 1994 (the most recent counts available), the number of vessels that passed the bridges totaled 1141. This breaks down to approximately 95 vessels per month, or 3.1 vessels per day.

During the closure periods, 1530 vehicles per day cross the Galliano-Tarpon bridge and 865 vehicles per day cross the Cote Blanch bridge. These closures will provide relief to severely congested vehicular traffic, while still serving the reasonable needs of navigational interests.

**Discussion of Comments and Changes**

Nine letters of comment were received in response to Public Notice CGD8-02-95 issued on January 31, 1995. The Federal Emergency Management Agency, the National Marine Fisheries Service, the Lafourche Parish Council, the Kansas City Southern Railway Company, a private individual, the Federal Emergency Management Agency and the Chamber of Commerce of Lafourche and the Bayou Region, Inc., all expressed support for or no objection to the proposed rule. Two letters were received that offered objections to the proposal. Bollinger Marine and a private individual opposed the proposed rule on the grounds that the bridges were not equipped with VHF radios. The bridges are now equipped with VHF Radios and Bollinger Marine has written a letter withdrawing its opposition. The private citizen also questioned the increase in vehicular traffic in recent years. The

increase in vehicular traffic is due to the opening of LA 3235, six years ago. Now LA 1, LA 308 and LA 3235 all meet at the South Lafourche bridge. In addition, the amount of vehicular traffic has increased due to the expansion of Port Fourchon, the opening of a new Super-Walmart, and numerous other new businesses in the area. As there has been an increase in vehicular traffic, the change in the drawbridge operating regulations are necessary and the Final Rule remains unchanged from the proposed rule.

**Regulatory Evaluation**

This regulation is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential cost and benefits under section 6a(3) of that order. It has not been reviewed by the Office of Management and Budget under that order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040, February 26, 1979).

**Small Entities**

The economic impact has been found to be so minimal that a full regulatory evaluation is unnecessary. The basis for this conclusion is the number of vessels which pass the bridge, (3.1) per day. The two comments received offering objection to the proposed rule have been resolved. Therefore, the Coast Guard certifies under section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) that this rule will not have a significant economic impact on a substantial number of small entities.

**Collection of Information**

This rule contains no collection-of-information requirements under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

**Federalism**

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that the final rulemaking does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

**Environment**

This rulemaking has been thoroughly reviewed by the Coast Guard and it has been determined to be categorically excluded from further environmental documentation in accordance with section 2.B.2.g.5 of Commandant Instruction M16475.1B. A Categorical Exclusion Determination statement has

been prepared and placed in the rulemaking docket.

**List of Subjects in 33 CFR Part 117**

Bridges.

**Regulations:** In consideration of the foregoing, part 117 of title 33, Code of Federal Regulations, is amended as follows:

**PART 117—DRAWBRIDGE OPERATION REGULATIONS**

1. The authority citation for part 117 continues to read as follows:

**Authority:** 33 U.S.C. 499; 49 CFR 1.46; 33 CFR 1.05-1g; Section 117.255 also issued under the authority of Pub. L. 102-587, 106 Stat. 5039.

2. Section 117.465 paragraphs (a) through (e) are redesignated as (b) through (f) and a new paragraph (a) is added to read as follows:

**§ 117.465 Lafourche Bayou.**

(a) The draws of the SR1 bridge, mile 30.6 and the SR1 bridge, mile 33.9, both near Cutoff, shall open on signal; except that, from 2 p.m. to 3 p.m. and from 4:30 p.m. to 5:30 p.m. Monday through Friday except Federal holidays, the draws need not be opened for the passage of vessels.

\* \* \* \* \*

Dated: August 7, 1995.

**C.B. Newlin,**

*Captain, U.S. Coast Guard, Commander, 8th Coast Guard Dist., Acting.*

[FR Doc. 95-20615 Filed 8-18-95; 8:45 am]

BILLING CODE 4910-14-M

**33 CFR Parts 151 and 155**

[CGD 94-056]

RIN 2115-AE97

**IMO Special Areas**

**AGENCY:** Coast Guard, DOT.

**ACTION:** Final rule.

**SUMMARY:** The Coast Guard is issuing regulations to designate the Antarctic area as a special area under Annexes I (oil), II (noxious liquid substances), and V (ship-generated garbage) of the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978, as amended (MARPOL 73/78). The Coast Guard also is issuing regulations designating the Gulf of Aden as a special area under Annex I of MARPOL 73/78; the Baltic Sea area, the Black Sea area, and the Antarctic area as special areas under Annex II of MARPOL 73/78; and the Wider Caribbean region as a special area under

Annex V of MARPOL 73/78. The purpose of this rulemaking is to implement amendments to MARPOL 73/78 for special areas.

**EFFECTIVE DATE:** November 20, 1995.

**ADDRESSES:** Unless otherwise indicated, documents referred to in this preamble are available for inspection or copying at the office of the Executive Secretary, Marine Safety Council (G-LRA/3406) (CGD 94-056), U.S. Coast Guard Headquarters, 2100 Second Street, SW., room 3406, Washington, DC 20593-0001 between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays. The telephone number is (202) 267-1477.

**FOR FURTHER INFORMATION CONTACT:** LCDR Ray Perry, Policy Contact, Environmental Standards Branch (G-MOS-4), (202) 267-2714.

#### **SUPPLEMENTARY INFORMATION:**

##### **Drafting Information**

The principal persons involved in drafting this document are Marcia K. Landman, Project Manager, Oil Pollution Act (OPA 90) Staff (G-MS), and Jacqueline L. Sullivan, Project Counsel, Office of the Chief Counsel.

##### **Regulatory History**

Because the MARPOL amendments establishing the Gulf of Aden, the Wider Caribbean Region, the Baltic Sea, the Black Sea, and Antarctic special areas have already been adopted and are effective for all party states, including the United States, the Coast Guard has determined under the Administrative Procedure Act (5 U.S.C. 553(b)) that there is good cause for issuing this final rule without publishing a notice of proposed rule making (NPRM). Further, with reference to the designation of certain special areas under MARPOL 73/78, an opportunity for public comment was provided during a June 26, 1991 open meeting of the Subcommittee for the Prevention of Marine Pollution, Shipping Coordinating Committee. Notice of this meeting was published in the May 31, 1991 edition of the **Federal Register** (56 FR 24868).

##### **Background and Purpose**

###### **MARPOL 73/78**

The Act to Prevent Pollution from Ships [33 U.S.C. 1901, *et. seq.*] (the Act) both authorizes the issuance of regulations to implement Annexes I, II, and V of the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978, as amended (MARPOL 73/78) and requires compliance with MARPOL

73/78, the Act, and regulations issued thereunder. Annex I of MARPOL 73/78 is entitled "Regulations for the Prevention of Pollution by Oil" and is designed to prevent the discharge of oil into the marine environment. MARPOL 73/78 defines oil as petroleum in any form, including crude oil, fuel oil, sludge, oil refuse and refined products; it does not include animal or vegetable based oil or noxious liquid substances (NLSs). Annex II of MARPOL 73/78 is entitled "Regulations for the Control of Pollution by Noxious Liquid Substances in Bulk" and is designed to prevent the discharge of NLSs carried in bulk into the marine environment. These bulk liquid chemicals are designated in Appendix II to Annex II of MARPOL 73/78. Annex V of MARPOL 73/78 is entitled "Regulations for the Prevention of Pollution by Garbage from Ships" and is designed to prevent the discharge of ship-generated garbage into the marine environment. Garbage means all kinds of victual, domestic, and operational waste, excluding fish and parts thereof, generated during the normal operation of the ship and liable to be disposed of continuously or periodically. Annexes I, II, and V have discharge restrictions for designated special areas.

Amendments to Annexes I and V of MARPOL 73/78 were adopted at the 30th and 31st sessions of the Marine Environment Protection Committee (MEPC) of the International Maritime Organization (IMO). The amendments designating the Antarctic area as a special area under Annexes I and V of MARPOL 73/78 were adopted by the MEPC on November 16, 1990 by Resolution MEPC.42(30). They entered into force for party States, including the United States, on March 17, 1992. Resolution MEPC.42(30) required that the designation of the Antarctic as a special area take effect on the day the amendments entered into force to ensure timely and adequate protection of the area.

Amendments to Annex II of MARPOL 73/78 were adopted at the 33rd session of the MEPC. The amendment designating the Antarctic area as a special area under Annex II was adopted by the MEPC on October 30, 1992 by Resolution MEPC.57(33). This amendment became effective on July 1, 1994 for countries party to MARPOL 73/78.

The Annex II amendments designating the Antarctic area as a special area contain a prohibition on discharging any NLS into the sea. Unlike the Antarctic special area provisions of Annexes I and V, the provisions of Annex II do not specifically require the Government of

each Party to MARPOL 73/78, at whose ports ships depart en route to or arrive from the Antarctic area, undertake to ensure that as soon as practicable adequate facilities are provided for the reception of all substances prohibited for discharge at sea. The Baltic Sea area and Black Sea area were designated as special areas when Annex II of MARPOL 73/78 entered into force on April 6, 1987.

The amendments designating the Gulf of Aden as a special area under Annex I were adopted by the MEPC on December 1, 1987 by Resolution MEPC.29(25). They were subsequently accepted on October 1, 1988 and entered into force on April 1, 1989. The amendments designating the Wider Caribbean region as a special area under Annex V were adopted by the MEPC on July 4, 1991 by Resolution MEPC.48(31). They were subsequently accepted on October 4, 1992 and entered into force for party States on April 4, 1993. The Gulf of Aden special area under Annex I and the Wider Caribbean special area under Annex V are not yet enforceable due to a lack of adequate reception facilities in states party to MARPOL 73/78 bordering these special areas.

The MEPC adopted additional amendments to Annex I of MARPOL 73/78 at its 32nd session. The amendments revised Regulation 21 of Annex I to MARPOL 73/78, prohibiting the discharge of oil in special areas from fixed or floating platforms. Resolution MEPC.51(32) was adopted on March 6, 1992, accepted on January 6, 1993, and entered into force on July 6, 1993.

##### **Special Areas**

###### **1. General**

The term "special area" means a sea area where, for recognized technical reasons in relation to its oceanographic and ecological condition and to the particular character of its traffic, the adoption of special mandatory methods for the prevention of sea pollution by oil, NLSs, or garbage is required. Special areas are bodies of water which require additional protections beyond the normal discharge requirements. Special areas for purposes of Annex I of MARPOL 73/78 are listed in 33 CFR 151.13 and for the purposes of Annex V of MARPOL 73/78 are listed in 33 CFR 151.53 and 151.71. Special areas for purposes of Annex II are currently not listed in 33 CFR part 151. Annex II special areas discharge restrictions are enforceable under 46 CFR 153.903.

###### **2. The Antarctic Area**

MARPOL 73/78, and Annexes I, II, and V, define the Antarctic area to mean

the sea area south of 60° south latitude. This boundary has been established by the Antarctic Treaty and the Convention on Antarctic Marine Living Resources. In respect to the Antarctic area, MARPOL 73/78 requires that any discharge into the sea of oil wastes or garbage from any ship shall be prohibited.

The amendments designating the Antarctic area as a special area under Annexes I and V of MARPOL 73/78 do not call for the establishment of waste reception facilities within the special area as is mandated in other special areas under these annexes of MARPOL 73/78. At the 15th Antarctic Treaty Consultative Meeting of October 1989, it was agreed that waste reception facilities within the Antarctic special area would be unacceptable because the existence of such facilities would involve problems associated with ultimate disposal of the wastes within the area. It was agreed that there should be no discharge of oily residues and mixtures or garbage in the Antarctic area either ashore or into the sea. All waste should instead be removed, where possible, from the special area.

The amendments to Annex I and Annex V placed the primary obligation on flag states whose ships enter the Antarctic area to ensure that adequate reception facilities are provided. MARPOL 73/78 requires that flag states ensure that all ships entitled to fly their flag, before entering the Antarctic area, have sufficient capacity on board for all oily wastes and garbage while operating in the area and have concluded arrangements to discharge such garbage at a reception facility after leaving the area.

Requirements are already in place in the United States to enforce MARPOL 73/78 discharge restrictions for oil and garbage. 33 CFR 151.25 requires the master or other person having charge of a ship to maintain an oil record book on board and record oil discharges made. This oil record book is required on board oil tankers of 150 gross tons, ships of 400 gross tons or more, and manned fixed or floating platforms. In addition, § 151.55 requires that all manned, oceangoing U.S. ships that are 12.2 meters or more in length and that are engaged in commerce keep records of garbage discharges and disposals. Likewise, all fixed or floating platforms subject to the jurisdiction of the United States must keep such records as well. Log entries indicating discharge operations may be considered by enforcement personnel in evaluating compliance with MARPOL 73/78 discharge restrictions in the Antarctic area. These records provide a means of

verifying that oil and garbage have been disposed of properly by U.S. ships.

### 3. *Gulf of Aden Area*

Annex I of MARPOL 73/78 defines the Gulf of Aden area to mean that part of the Gulf of Aden between the Red Sea and the Arabian Sea bounded to the west by the rhumb line between Ras si Ane (12°28.5' N, 43°19.6' E) and Husn Murad (12°40.4' N, 43°30.2' E) and to the east by the rhumb line between Ras Asir (11°50' N, 51°16.9' E) and the Ras Fartak (15°35' N, 52°13.8' E). The discharge requirements for the Gulf of Aden special area will become effective once each party to MARPOL 73/78 whose coastline borders the special area certifies that reception facilities are available and the IMO establishes an effective date.

### 4. *Wider Caribbean Region*

Annex V of MARPOL 73/78 defines the Wider Caribbean region to mean the Gulf of Mexico and Caribbean Sea proper, including the bays and seas therein. This region includes that portion of the Atlantic Ocean within the boundary constituted by the 30° N parallel from Florida eastward to 77°30' W meridian, thence a rhumb line to the intersection of 20° N parallel and 59° W meridian, thence a rhumb line to the intersection of 7°20' N parallel and 50° W meridian, thence a rhumb line drawn southwesterly to the eastern boundary of French Guiana.

The MEPC established a different standard for the discharge of virtual waste for the Wider Caribbean region than other special areas. Annex V requires that disposal into the sea of virtual wastes be made as far out as practicable, but not less than 12 nautical miles from the nearest land. An additional provision requires disposal of virtual wastes which have passed through a comminuter or grinder to be made as far as practicable from land, but in any case not less than 3 nautical miles from the nearest land. Such virtual wastes should be capable of passing through a screen with openings no greater than 25 millimeters. These discharge requirements will become effective for the Wider Caribbean region special area once each party to MARPOL 73/78 whose coastline borders the special area certifies that reception facilities are available and the IMO establishes an effective date.

### Discussion of Final Rule

The Coast Guard and the MEPC have determined that the amendments fully conform to the purpose, spirit, and intent of MARPOL 73/78. This final rule is amending existing regulations in 33

CFR part 151 to incorporate the provisions of these amendments to MARPOL 73/78. This final rule is adding the geographic description of all special areas in new § 151.06. Discharge requirements for the various special areas are contained in §§ 151.13, 151.32, 151.53, 151.71, and 155.400. New § 151.32 to 33 CFR part 151 describes the Annex II special areas currently enforceable under 46 CFR 153.903. Other minor changes have been made to clarify which MARPOL 73/78 requirements for special areas are in effect in the United States for U.S. flag vessels.

Sections 151.13, 151.32, and 151.53 have been amended to clarify that the discharge restrictions will not go into effect until a sufficient number of states bordering certain special areas have notified the IMO that reception facilities are available.

### Regulatory Evaluation

This final rule is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that order. It has not been reviewed by the Office of Management and Budget under that order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979).

The Coast Guard expects the economic impact of this final rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. The rule imposes no new costs on the maritime industry. It implements requirements for the designated Antarctic area, the Gulf of Aden, the Baltic Sea area, the Black Sea area, and the Wider Caribbean region as special areas under MARPOL 73/78 for oil and NLLS.

### Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard considered whether this final rule would have a significant economic impact on a substantial number of small entities. "Small entities" may include (1) small businesses and not-for-profit organizations that are independently owned and operated and are not dominant in their field and (2) governmental jurisdictions with populations of less than 50,000.

The Coast Guard expects that few new costs will be associated with this rule because few small entities operate in the areas being designated as special areas except in the Wider Caribbean Area. In addition, regardless of whether these

regulations are codified in the U.S. Code of Federal Regulations, the MARPOL designation of the special areas will be applicable to all vessels operating in these areas. The Coast Guard expects the impact of this final rule to be minimal. Therefore, the Coast Guard certifies under section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601, *et seq.*) that this rule will not have a significant economic impact on a substantial number of small entities.

### Collection of Information

This rule contains no collection-of-information requirements under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

### Federalism

The Coast Guard has analyzed this rule under the principles and criteria contained in Executive Order 12612 and has determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

### Environment

The Coast Guard considered the environmental impact of this rule and concluded that, under paragraph 2.B.2 of Commandant Instruction M16475.1B, this rule is categorically excluded from further environmental documentation. This rule is expected to contribute to the reduction of the occurrence of ship-generated oil spills in the marine environment. A "Categorical Exclusion Determination" is available in the docket for inspection or copying where indicated under ADDRESSES.

### List of Subjects

#### 33 CFR Part 151

Administrative practice and procedure, Oil pollution, Penalties, Reporting and recordkeeping requirements, Water pollution control.

#### 33 CFR Part 155

Oil pollution, Reporting and recordkeeping requirements.

For the reasons set out in the preamble, the Coast Guard amends 33 CFR parts 151 and 155 as follows:

### PART 151—VESSELS CARRYING OIL, NOXIOUS LIQUID SUBSTANCES, GARBAGE, MUNICIPAL OR COMMERCIAL WASTE, AND BALLAST WATER

#### Subpart A—Implementation of MARPOL 73/78

1. The authority citation for part 151, subpart A, is revised to read as follows:

**Authority:** 33 U.S.C. 1321(j)(1)(C) and 1903(b); E.O. 12777, 3 CFR, 1991 Comp. p. 351; 49 CFR 1.46.

2. In § 151.05, the definition of "special area" is revised to read as follows:

#### § 151.05 Definitions.

\* \* \* \* \*

*Special area* means a sea area, where for recognized technical reasons in relation to its oceanographical and ecological condition and to the particular character of the traffic, the adoption of special mandatory methods for the prevention of sea pollution by oil, NLSs, or garbage is required.

\* \* \* \* \*

3. Section 151.06 is added to read as follows:

#### § 151.06 Special areas.

(a) For the purposes of this part, the navigational descriptions of the special areas are as follows:

(1) The Mediterranean Sea area means the Mediterranean Sea proper including the gulfs and seas therein, with the boundary between the Mediterranean and the Black Sea constituted by the 41° N parallel and bounded to the west by the Straits of Gibraltar at the meridian of 5°36' W.

(2) The Baltic Sea means the Baltic Sea proper with the Gulf of Bothnia, the Gulf of Finland, and the entrance to the Baltic Sea bounded by the parallel of the Skaw in the Skagerrak at 57°44.8' N.

(3) The Black Sea area means the Black Sea proper with the boundary between the Mediterranean Sea and the Black Sea constituted by the parallel 41° N.

(4) The Red Sea area means the Red Sea proper including the Gulfs of Suez and Aqaba bounded at the south by the rhumb line between Ras si Ane (12°8.5' N, 43°19.6' E) and Husn Murad (12°40.4' N, 43°30.2' E).

(5) The Gulfs areas means the sea area located northwest of the rhumb line between Ras al Hadd (22°30' N, 59°48' E) and Ras al Fasteh (25°04' N, 61°25' E).

(6) The Gulf of Aden areas means the part of the Gulf of Aden between the Red Sea and the Arabian Sea bounded to the west by the rhumb line between Ras si Ane (12°28.5' N, 43°19.6' E) and Husn Murad (12°40.4' N, 43°30.2' E) and to the east by the rhumb line between Ras Asir (11°50' N, 51°16.9' E) and the Ras Fartak (15°35' N, 52°13.8' E).

(7) The Antarctic areas means the sea south of 60° south latitude.

(8) The North Sea area means the North Sea proper, including seas within the North Sea southwards of latitude 62° N and eastwards of longitude 4° W; the

Skagerrak, the southern limit of which is determined east of the Skaw by latitude 57°44.8' N; and the English Channel and its approaches eastwards of longitude 5° W.

(9) The Wider Caribbean region means the Gulf of Mexico and Caribbean Sea proper, including the bays and seas therein and that portion of the Atlantic Ocean within the boundary constituted by the 30° N parallel from Florida eastward to 77°30' W meridian, thence a rhumb line to the intersection of 20° N parallel and 59° W meridian, thence a rhumb line to the intersection of 7°20' N parallel and 50° W meridian, thence a rhumb line drawn southwesterly to the eastern boundary of French Guiana.

(b) Special areas for the purpose of Annex I of MARPOL 73/78 include those referenced in § 151.13. Special areas for the purposes of Annex II of MARPOL 73/78 include those referenced in § 151.32. Special areas for the purpose of Annex V of MARPOL 73/78 include those referenced in § 151.53.

4. In § 151.13 (paragraphs (a), (b)(1), (b)(2) and (b)(3) are revised and paragraph (h) is added to read as follows:

#### § 151.13 Special Areas for Annex I of MARPOL 73/78.

(a) For the purposes of §§ 151.09 through 151.25, the special areas are the Mediterranean Sea area, the Baltic Sea area, the Black Sea area, the Red Sea area, the Gulfs area, the Gulf of Aden, and the Antarctic area which are described in § 151.06. The discharge restrictions are effective in the Mediterranean Sea, Baltic Sea, Black Sea, and the Antarctic area.

(b) \* \* \*

(1) A ship of 400 gross tons or over and any oil tanker may not discharge oil or oily mixture within a special area. In the Antarctic area, discharge into the sea of oil or oily mixture from any ship is prohibited.

(2) A ship of less than 400 gross tons other than an oil tanker may not discharge oil or oily mixture within a special area, unless the oil content of the effluent without dilution does not exceed 15 parts per million (ppm).

(3) For the Antarctic area, all ships must be fitted with a tank or tanks of sufficient capacity on board for the retention of all sludge, dirty ballast, tank washing water, and other oily residues and mixtures while operating in the area and must have concluded arrangements to discharge such oily residues at a reception facility after leaving the area.

\* \* \* \* \*

(h) In accordance with paragraph (7)(b)(iii) of Regulation 10 of Annex I of MARPOL 73/78, the discharge

restrictions in § 151.13 for the Red Sea area, Gulfs area, and the Gulf of Aden area will enter into effect when each party to MARPOL 73/78 whose coastline borders the special area has certified that reception facilities are available and the IMO has established an effective date for each special area. Notice of the effective dates for the discharge requirements in these special areas will be published in the **Federal Register** and reflected in this section.

5. Section 151.32 is added to read as follows:

**§ 151.32 Special areas for the purpose of Annex II.**

(a) For the purposes of §§ 151.30 through 151.49, the special areas are the Baltic Sea area, the Black Sea area, and the Antarctic area which are described in § 151.06. Discharges into the sea of NLSs or mixtures containing such substances are prohibited in the Antarctic area.

(b) In accordance with paragraph (13)(a) of Regulation 5 of Annex II of MARPOL 73/78, the discharge restrictions in § 151.32 for the Baltic Sea area and the Black Sea area will enter into effect when each Party to MARPOL 73/78 whose coastline borders the special area has certified that reception facilities are available and the IMO has established an effective date for each special area. Notice of the effective date for discharge requirements in these areas will be published in the **Federal Register** and reflected in this section.

6. Section 151.53 is revised to read as follows:

**§ 151.53 Special areas for Annex V of MARPOL 73/78.**

(a) For the purposes of §§ 151.51 through 151.77, the special areas are the Mediterranean Sea area, the Baltic Sea area, the Black Sea area, the Red Sea area, the Gulf areas, the North Sea area, the Antarctic area, and the Wider Caribbean region, including the Gulf of Mexico and the Caribbean Sea which are described in § 151.06. The discharge restrictions are effective in the Baltic Sea, the North Sea, and the Antarctic area.

(b) In accordance with paragraph (4)(b) of Regulation 5 of Annex V of MARPOL 73/78, the discharge restrictions in § 151.71 for special areas will enter into effect when each party to MARPOL 73/78 whose coastline borders the special area has certified that reception facilities are available and the IMO has established an effective date for each special area. Notice of the effective dates for the discharge requirements in each special area will be published in

the **Federal Register** and reflected in this section.

7. Section 151.71 is revised to read as follows:

**§ 151.71 Operating requirements: Discharge of garbage within special areas.**

(a) When a ship is located in a special area referenced in § 151.53 of this part, no person may discharge garbage from the ship, except as allowed in paragraph (b) or (c) in this section.

(b) Except as provided in paragraph (c) of this section, disposal into the sea of victual waste must be made as far as practicable from land but, in any case, not less than 12 nautical miles from the nearest land.

(c) Disposal into the Wider Caribbean region of victual wastes which have been passed through a comminuter or grinder shall be made as far as practicable from land but, in any case, not less than 3 nautical miles from the nearest land. Such comminuted or ground food wastes shall be capable of passing through a screen with opening no greater than 25 millimeters.

**PART 155—OIL OR HAZARDOUS MATERIAL POLLUTION PREVENTION REGULATIONS FOR VESSELS**

8. The authority citation for part 155 is revised to read as follows:

**Authority:** 33 U.S.C. 1231, 1321(j); 46 U.S.C. 3715; sec. 2, E.O. 12777, 3 CFR, 1991 Comp., p. 351; 49 CFR 1.46. Sections 155.100 through 155.130, 155.350 through 155.400, 155.430, 155.440, 155.470, 155.1010 through 155.1070 also issued under 33 U.S.C. 1903(b). Sections 155.1110 through 155.1150 also issued under 33 U.S.C. 2735.

8. Section 155.400(b)(2) is revised to read as follows:

**§ 155.400 Platform machinery space drainage on oceangoing fixed or floating drilling rigs and other platforms.**

(a) \* \* \*

(b) \* \* \*

(1) \* \* \*

(2) Discharge in accordance with § 151.10 (b)(3), (b)(4), and (b)(5) of this chapter, provided the drilling rig or platform is not within a special area.

\* \* \* \* \*

Dated August 8, 1995.

**G. N. Naccara,**

*Captain, US Coast Guard, Acting Chief, Office of Marine Safety, Security and Environmental Protection.*

[FR Doc. 95-20618 Filed 8-18-95; 8:45 am]

BILLING CODE 4910-14-M

**DEPARTMENT OF DEFENSE**

**Department of the Army**

**Corps of Engineers**

**33 CFR Part 334**

**Sinclair Inlet, Puget Sound, Bremerton, Washington; Naval Restricted Areas**

**AGENCY:** Army Corps of Engineers, DOD.

**ACTION:** Interim final rule; request for comments.

**SUMMARY:** The Corps is amending the rules which establish two restricted areas in the waters of Sinclair Inlet adjacent to the Puget Sound Naval Shipyard, Bremerton, Washington. This action is necessary to safeguard U.S. Navy vessels and Government facilities from sabotage and other subversive acts, accidents, or other incidents of a similar nature. This action is also necessary to protect vessels and individuals from the dangers associated with the industrial waterfront facilities at the shipyard. Entry into this zone is prohibited unless otherwise authorized by these regulations or the Commander, Naval Base, Seattle, Washington, or whomever he/she designates.

**DATES:** Effective August 21, 1995. Written comments will be accepted until October 20, 1995.

**ADDRESSES:** HQUSACE, CECW-OR, Washington, DC 20314-1000.

**FOR FURTHER INFORMATION CONTACT:** Mr. Jonathan Freedman, Regulatory Branch, Seattle District at (206) 764-3495, or Mr. Ralph Eppard, Regulatory Branch, CECW-OR at (202) 761-1783.

**SUPPLEMENTARY INFORMATION:** A restricted area is a defined water area for the purpose of prohibiting or limiting public access to an area. Restricted areas provide security for Government property and/or protection to the public from the risks of damage or injury arising from the Government's use of that area. The Corps promulgated regulations in 33 CFR 334.1240 establishing two restricted areas in the waters of Sinclair Inlet adjacent to the Puget Sound Naval Shipyard on November 28, 1961. A recent court decision indicates that the restricted area regulations in 33 CFR 334.1240 are not sufficient to meet the needs of national security and public safety. According to the court decision, the regulations do not apply to swimmers, divers and other individuals not embarked on vessels. In light of the court decision, the Commanding Officer, Puget Sound Naval Shipyard reviewed the physical security and safety conditions around the shipyards